REQUEST FROM: FINANCE COMMITTEE – DALO READOUT - MEETING WEDNESDAY 27 May 2026

Point 3 – The Committee would ask the Department of Finance to consider the enclosed briefing paper from the Northern Ireland Humanists and to provide comment on the specific issues raised.

Response –

- The Department notes the briefing from Northern Ireland Humanists ('the briefing') which welcomes the introduction of the Marriage and Civil Partnership Bill.

- The briefing is critical of the Bill on account of what it sees as a failure to address '*serious existing problems in the law*'. The current criteria for registering religious and belief groups are the main problem identified by NI Humanists. These criteria are described as '*extremely lax*', so lax that commercial wedding providers (sometimes called independent celebrants) could, by presenting themselves as belief or faith groups, become registered to perform legally binding wedding ceremonies.

- The briefing cites media reporting in relation to Scotland (an article in the *Scottish Sunday Post* claims that Scotland has experienced '*an explosion in rogue celebrants exploiting the law to take advantage of couples*') rather than an established evidence base. Moreover, the Scottish Government is currently consulting on potential changes. It would therefore be premature to draw firm conclusions about the effectiveness of that system or to transpose those concerns directly to here, where no comparable issues have been identified.

- NI Humanists therefore advocate the adoption of stricter criteria for registering religious and belief groups and proposes the current model operating in the Republic of Ireland—the 'Dublin model'—as the basis for a new approach to registration in NI.

- The legislative basis for the Dublin model is the Civil Registration Act 2004 as amended, an Act of the Dublin Government. It allows for three types of legally binding ceremony—civil, religious and secular (i.e. non-religious belief). Section 45 of the 2004 Act defines a religious body as 'an organised group of people members of which meet regularly for common religious worship'. Section 45A defines a secular body on the basis of criteria which include: minimum membership (that it has at least 50 members); minimum time in operation (that it has been in operation for at least five years); and that it has aims that are 'secular, ethical and humanist.' The Act also excludes a number of types of group from being registered to perform legally binding marriage ceremonies including trade unions, chambers of commerce, political parties and groups promoting political causes. The Department notes that the actual

Dublin model as set out in the Civil Registration Act 2004 establishes relatively strict criteria for the registration of secular/belief groups and their celebrants but not for religious groups. It is noted that, in contrast, NI Humanists wish to apply, in NI, a Dublin type system of registration based on more strict criteria to religious and belief groups alike. The potential challenges of this approach are discussed later in the present response.

- The NI Humanists' briefing favours adopting here several of the Dublin criteria including minimum membership and minimum length of time in operation. It also suggests that an additional criterion be considered—that groups seeking registration should be engaged in activities '*other than the provision of legally recognised marriages and/or the training and accreditation of celebrants for conducting such marriages*.'

- In responding to the briefing, the Department is not convinced that there are serious existing problems in the law regarding registration. Furthermore, it notes that the decision in the 2017 *Smyth* case, which has led to the development of the present legislation, required that the Department put religious and belief marriage on an equal footing. Thus, under the current, temporary arrangements, belief marriage has been read into the current law, the Marriage (NI) Order 2003 ('the 2003 Order'), and religious and belief marriage treated the same in all respects, including the registration of celebrants.

- The Bill does not seek to adopt a new registration model. Rather, by placing belief marriages within the 2003 Order, it will cement into the settled law the temporary arrangements which have been in place since the *Smyth* judgment in 2017 and ensure the equal treatment of religious and belief bodies on a statutory basis.

- While the *Scottish Sunday Post* article identifies problems with the situation in Scotland, the system in NI, which is similar to that of Scotland, appears to be operating without controversy. It is not clear, for example, that there has been a marked increase in the number of groups, belief or faith, seeking to provide legally binding marriages.

- The 2003 Order contains robust safeguards in relation to the commercialisation of marriages. The Registrar General has the power to cancel the registration of a person if suspected of carrying on a business of solemnising marriages for the purpose of profit or gain. Registration can also be cancelled in circumstances where the person named in the application is not a fit and proper person to solemnise a marriage, or for any other reason.

- Since the 2003 Order was enacted, there have been over 150,000 marriages here with virtually no complaints by couples. Moreover, following the *Smyth* judgment in 2017, and the introduction of temporary arrangements for belief bodies, over 5,000 belief marriages have taken place here without substantive concern.

- The Department notes that the briefing does not provide evidence of any systemic issues arising here. While concerns are raised by reference to other jurisdictions, there is no substantive evidence that the current framework in NI is being misused or that inappropriate bodies are operating within the system.

- The Department notes that NI Humanists have corresponded with the Department and the General Register Office (GRO) in relation to a few religious organisations that have been registered. However, it is our understanding that the GRO conducted enquires with these groups by way of the material that they require for a body to be authorised to solemnise marriages and that the paperwork supplied by those groups satisfied the GRO.

- The Department has received no complaint regarding a religious or belief group or celebrant profiting from the provision of marriages. It is Department's understanding that the fees some religious and belief celebrants charge are intended to reimburse costs, including the cost of the celebrant's time, and not to make a profit. The Department, based on the information available online, notes that the amounts charged by those religious and belief celebrants who have made their fees public are broadly similar.

- The Bill contains provisions which will enable the Department to bring forward additional qualifying requirements by way of regulations. The briefing asks that these requirements are introduced now and along the lines of the Dublin model.

- In developing the Bill, the Department looked closely at the registration processes in both Scotland and the Republic of Ireland, assessed their potential applicability here, opting to include belief marriage in the current law on the same basis as religious marriage while reserving the option for stricter criteria should these be required. The Department makes the following comments with regard to any additional qualifying requirements that might be introduced.

    - If the Department were to introduce additional criteria, this would require a process of policy development and consultation. Any resultant draft regulations introducing qualifying requirements would then be subject to the appropriate scrutiny offered by the affirmative procedure.

    - Any additional criteria would need to apply equally to religious and belief groups. The judgment in *Smyth* requires the Department to put belief and religious marriage on an equal footing. Given this, in legislating to include belief marriage in the marriage law, we cannot create an inequality between belief and religious marriage in terms of the criteria we apply for registration.

    - The Department notes that a few long-established religious groups that can currently perform legally binding marriage ceremonies are very

small. If we were to establish a membership numbers criterion for registration, some new religious or belief groups might fail to meet it despite having more members than some groups that are currently registered.

- On the other hand, applying a minimum membership criterion retrospectively could result in some small but long-established groups being deprived of their ability to perform legally binding marriages.

- Criteria such as the length of time a group has been operating or the number of members it has could be challenged on grounds of appropriateness. These criteria are presumably intended to test the commitment or seriousness of a group applying to register but their validity in this respect could be questioned. A new and/or small group is not necessarily less serious than a large and/or existing group.

- A new group with a few dozen members could argue that requiring it to wait at least five years before it can register to perform marriages is an unreasonable requirement, one that could adversely affect its morale and coherence as well as its ability to attract the new members. Such a group might construe criteria of this sort as barriers to freedom of expression.

- The Department has also considered the particular problems that could arise when a belief or religious group that has been registered to perform marriage ceremonies has an internal disagreement and splits, with one group of members going off to form a new group. In such a situation, criteria such as minimum membership and minimum length of time in operation could prove problematic. The breakaway group, as a new group, would need to begin the process of registration afresh. It would instantly fail to meet any criterion based on length of time in operation and, conceivably, any minimum membership numbers criterion as well. In effect, a group long accustomed to solemnising marriages would find it could no longer do so and that it would have to wait five years before they could do so again. In addition, the prospect that breaking away from an established group could cost the breakaway group the privilege of solemnising marriages could deter theological or philosophical dissent and be a barrier to freedom of conscience or freedom of expression. On the other hand, if breakaway groups were to be treated differently from new groups and given automatic or accelerated registration, entirely new groups might have a basis for complaint and challenge.

- Finally, the Department notes the additional criterion suggested in the briefing—that groups must have a function over and above the provision of marriage. It is the view of the Department that the current registration process in NI should already exclude any such group.

- With these arguments in mind the Department, the Minister of Finance, and the Executive took the position in the Bill of extending the current

arrangements to belief bodies and providing a power for regulations which would enable an assessment of the need for, and scope of other criteria that may be useful to shape applications for registration, to solemnise marriages, help to clarify rules around profit and gain, and to deal with any problems that may be deemed to exist in the marriage process.

- In summary, there is no current evidence that stricter criteria are required. However, the provisions in the Bill will allow us to react to emerging issues and introduce future regulatory refinement if necessary. To that end, the Department will keep in view the evidence sessions of the current Committee stage and the outcome of the Scottish Government's review of the consultation on qualifying requirements which closed on 21 April 2026.